

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ALPHA ONE TRANSPORTER,
INC., and AMERICAN HEAVY
MOVING AND RIGGING, INC.,

Plaintiffs,

vs.

PERKINS MOTOR TRANSPORT,
INC., d/b/a PERKINS SPECIALIZED
TRANSPORTATION,

Defendant.

ALPHA ONE TRANSPORTER,
INC., and AMERICAN HEAVY
MOVING AND RIGGING, INC.,

Plaintiffs,

vs.

GOLDHOFER FAHRZEUGWERK
GMBH & CO., INTERMOUNTAIN
RIGGING AND HEAVY HAUL, and
BARNHART CRANE AND
RIGGING CO.,

Defendants.

Case Nos.
13-cv-2662-H-NLS
13-cv-2663-H-NLS
13-cv-2669-H-NLS

Order:

**1) CONSOLIDATING CASES
FOR PRETRIAL PURPOSES,**

**2) GRANTING MOTION TO
SUBSTITUTE ATTORNEY,**

**3) GRANTING PARTIES'
JOINT MOTION FOR
EXTENSION OF TIME, and**

**3) SETTING A CASE
MANAGEMENT
CONFERENCE.**

[Doc. Nos. 14 & 15]

1	ALPHA ONE TRANSPORTER,	
2	INC., and AMERICAN HEAVY	
3	MOVING AND RIGGING, INC.,	
		Plaintiffs,
4	vs.	
5	BRAGG COMPANIES d/b/a HEAVY	
6	TRANSPORT, INC., and	
	SCHEUERLE	
	FAHRZEUGFABRIK GMBH,	
7		Defendants.

On November 6, 2013, Plaintiffs Alpha One Transporter, Inc. and American Heavy Moving and Rigging, Inc. (“Plaintiffs”) filed a complaint against Defendant Perkins Motor Transport, Inc., d/b/a Perkins Specialized Transportation Contracting (“Perkins”) alleging infringement of U.S. Patent No. 8,424,897. (Alpha One v. Perkins, Case No. 3:13-cv-2662-H-RBB, Doc. No. 1.) On December 13, 2013, Plaintiffs filed a first amended complaint against Defendants Bragg Companies, d/b/a Heavy Transport, Inc. (“Bragg”) and Scheuerle Fahrzeugfabrik GmbH (“Scheuerle”) (collectively, “Bragg Defendants”) also alleging infringement of U.S. Patent No. 8,424,897. (Alpha One v. Bragg, Case No. 3:13-cv-2669-H-RBB, Doc. No. 8.) On January 3, 2014, Plaintiffs filed a first amended complaint against Defendants Goldhofer Fahrzeugwerk GmbH & Co. (“Goldhofer”), Intermountain Rigging and Heavy Haul (“Intermountain”), and Barnhart Crane and Rigging Co. (“Barnhart”) (collectively, “Goldhofer Defendants”), alleging infringement of U.S. Patent No. 8,424,897, as well. (Alpha One v. Goldhofer, Case No. 3:13-cv-2663-H-RBB, Doc. No. 12.)

All three of these cases concern the same patent. Pursuant to Federal Rule of Civil Procedure 42, the Court orders that these actions be consolidated for pre-trial purposes absent further order of the Court. Fed. R. Civ. P. 42(a)(2).

There are two motions pending in Case No. 3:13-cv-2663-H-RBB. The Court addresses each in turn.

1 On January 14, 2014, Defendant Barnhart filed a motion to substitute counsel in
2 this case. (Alpha One v. Goldhofer, Case No. 3:13-cv-2663-H-RBB, Doc. No. 14.)
3 Barnhart seeks to substitute attorney G. Scott Williams of the firm Seltzer, Caplan,
4 McMahon, Vitek as counsel of record in place of attorneys Christopher S. Marchese
5 and Scott A. Penner of the firm Fish and Richardson P.C. (Id.) The Court, for good
6 cause shown, grants the motion.

7 On January 21, 2014, Plaintiffs and Goldhofer Defendants filed a joint motion
8 to extend the deadline for the Goldhofer Defendants to file an answer or other
9 responsive pleading to Plaintiffs' First Amended Complaint until March 4, 2014. (Id.
10 Doc. No. 15.) The Court, for good cause shown, grants the parties' joint motion for an
11 extension of time. Accordingly, the Goldhofer Defendants may file an answer or
12 otherwise respond to Plaintiffs' first amended complaint on or before March 4, 2013.

13 Previously, the Court extended the time for the Bragg Defendants to file an
14 answer or otherwise respond to Plaintiffs' first amended complaint until March 13,
15 2014. (Alpha One v. Bragg, Case No. 3:13-cv-2669-H-RBB, Doc. No. 11.) In
16 addition, Defendant Perkins answered Plaintiffs' complaint on December 23, 2013, and
17 the Court scheduled an Early Neutral Evaluation before Magistrate Judge Stormes on
18 February 26, 2014 at 9:30 a.m. (Alpha One v. Perkins, Case No. 3:13-cv-2662-H-RBB,
19 Doc. Nos. 8 & 9.) The Court orders all parties in this consolidated action to attend the
20 February 26, 2014 Early Neutral Evaluation. Parties who have not yet filed an answer
21 or other responsive pleading may make a special appearance if necessary. The Court
22 will permit parties to make telephonic appearances, but prefers that they appear in
23 person.

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1 The Court also schedules a telephonic case management conference in this
2 consolidated action for Thursday, March 20, 2014 at 2:00 p.m before Judge Marilyn
3 L. Huff. The Court will initiate the conference call. Accordingly, the parties are
4 directed to provide phone numbers to chambers prior to the status conference.

5 **IT IS SO ORDERED.**

6 DATED: February 11, 2014

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8 MARILYN L. HUFF, District Judge
9 UNITED STATES DISTRICT COURT
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